

## Remarks

Claims 1-16 are pending.

Claims 1- 14 and 16 are amended.

Claim 15 is as previously presented.

Claim 1 is amended to define  $R_1$  and  $R_2$  separately and to limit  $R_2$  to an amino acid or an amino acid amide residue from which a hydrogen atom has been removed from the amino group. Support is inherent in the claim.

Claim 2 is amended to delete as redundant the material following formula 2c. Claims 3-8 are amended to delete the term "composition" in the first line and replace it with "fluorescent whitening agent" as suggested in the present Action. Claim 5 is further amended for consistency and to reflect the changes made to claim 1 by deleting "and  $R_2$  " in line 2 and inserting in its stead "is".

Claim 9 is amended for clarity by rewording the opening lines to read "A process for preparing the fluorescent whitening agent mixture of compounds of formulae (1a), (1b) and (1c) according to claim 1", to delete the phrase "successively, in any desired order" and to delete as now unnecessary the final phrase " $R_1$  and  $R_2$  being as defined in claim 1".

Claim 10 is amended to delete the phrase " $R_1$ ,  $R_2$ , A and M are as defined in claim 1" and to instead insert the limitations from claim 1. Claim 11 is similarly amended to delete the phrase " the heterocyclic ring A and M are as defined in claim 1" and instead insert the relevant limitations from claim 1. Support is inherent in the claims.

Claims 12, 14 and 16 are amended for clarity by deleting the phrase "according to claim 1" which appears in the first few lines of each claim, moving the phrase "or a compound of formula (1c)" to immediately after the term "compound of formula (1b)", and inserting the formula 1a, and the limitations for  $R_1$ , A and M from claim 1. Claims 14 and 16 are also amended to replace the article "the" in line 1 immediately prior to "compound" with "a". Support is found in claims 1, 12, 14 and 16.

Claim 13 is amended for clarity by moving the phrase "according to claim 12" to line 1.

Claims 1, 10, 11, 12, 14 and 16 are now independent.

No new matter has been added.

## Objections

Claims 3-8 are objected to for reciting the limitation "composition" instead of "fluorescent whitening agent". This is remedied by the instant amendments and Applicants kindly ask the Examiner to withdraw the objections.

## Rejections

Claim 9 is rejected under 35 USC 112 second paragraph for being indefinite due to the phrase "in any desired sequence". The phrase means that while more than one reaction is involved in the preparation of the compound mixture, there is no prescribed sequence whereby the various reactions must occur. Applicants have deleted the phrase as being unnecessary as it recites no actual limitation. Applicants therefore kindly ask the Examiner to withdraw the 35 USC 112 rejections of claim 9.

Claims 1, 2, 5, 7 and 8 are rejected under 35 USC 102(b) as being anticipated by US 6,302,999 which discloses compounds encompassed by instant formulae 1a-c when  $R_1$  and  $R_2$  are other than amino acid and amino acid amide residues. Mixtures of FWAs are also disclosed in '999.

Applicants respectfully traverse the rejections.

The instantly amended claims require that  $R_2$  is an amino acid or an amino acid amide residue. Thus, at least one compound in the instant FWA mixture necessarily contains at least one compound outside of the disclosure of '999.

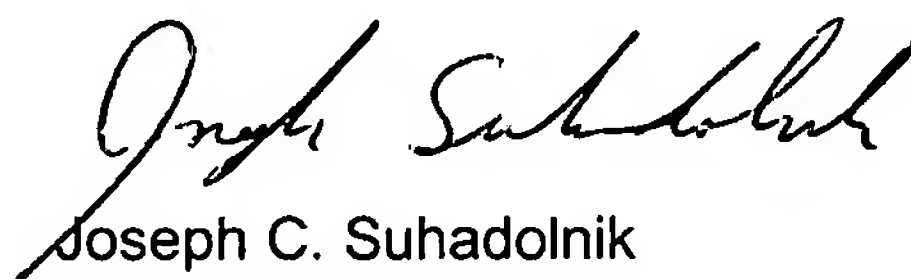
Applicants therefore respectfully submit that the present rejections of claims 1, 2, 5, 7 and 8 under 35 USC 102(b) over US 6,302,999 are addressed and are overcome and kindly ask that the rejections be withdrawn.

The Action states that claims 3, 4, 6 and 11-16 would be allowable if rewritten as independent claims because compounds of formula 1 wherein  $R_1$  and  $R_2$  are amino acid and amino acid amides are not disclosed in '999. Applicants respectfully point out that the instant amendments to claim 1, 11, 12, 14 and 16 require that  $R_2$  is an amino acid or amino acid amide residue. In light of the amendments Applicants submit that parent claim 1 is now allowable and that rewriting claims 3, 4 and 6 as independent claims is unnecessary as are further amendments to claims 11-16.

Applicants further respectfully submit that all objections and rejections are addressed and are overcome and kindly ask that they be withdrawn and that claims 1-16 be found allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Joseph C. Suhadolnik  
Agent for Applicants  
Reg. No. 56,880  
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Ciba Specialty Chemicals Corporation  
Patent Department  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, NY 10591-9005  
Tel. (914) 785-2973  
Fax (914) 785-7102